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Date:	October 23, 2006	Must Be Sent By:
To:	MAIL STOP AF	Fax No: (571) 273-8300
Company:	Commissioner for Patents	Phone No:
From:	David H. Jaffer	Phone No: 650.233.4510
User No:	14156	C/M No:
Comments:	Re: Petition for Withdrawal of Premature Final Rejection for U.S. Patent Application Serial No. 10/646,525	

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From-PILLSBURY WINTHROP SHAW PITTMAN LLP

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October 5, 2006

David H. Jaffer
Phone: 650.233.4510
david.jaffer@pillsburylaw.com

067173-0305340

VIA FACSIMILE (571/273-8300)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn.: Brandi N. Thomas, Examiner, Art Unit 2873
Alicia Harrington, Primary Examiner, Art Unit 2873

Re: U.S. Patent Application Serial No. 10/646,525 for CONTINUOUS
DIRECT-WRITE OPTICAL LITHOGRAPHY

Dear Commissioner:

We request a telephone interview with the Examiner and Primary Examiner for this application. We have reviewed the Office Action mailed August 21, 2006, and believe that the Examiner has not understood our previous response and erred procedurally in the Office Action. The purpose of the interview is to direct the Examiner to our previous response, which highlights the differences between the cited art and the claims in this application, to gain an understanding of why the Examiner believes those arguments do not overcome the cited art, and to address the procedural errors in the Office Action.

Please call me to arrange a convenient interview time. John Macaulay, a consultant for the owner of this application, and I will attend the telephone interview. Any time after 9 A.M. Pacific time on a Friday or after 12:30 P.M. Pacific time on a Wednesday work best for our schedules.

The reasons for requesting the interview are summarized below.

1. The Examiner has not responded to several of Applicant's arguments which traverse the previous rejection of claims.

In paragraph 9 of the Office Action dated August 21, 2006, the Examiner argues

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Attorney's Docket 067173-0305340

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

Confirmation Number: 8919

WILLIAM DANIEL MEISBURGER

Application No.: 10/646,525

Group Art Unit: 2873

Filed: August 21, 2003

Examiner:

For: CONTINUOUS DIRECT-WRITE OPTICAL LITHOGRAPHY

MAIL STOP AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TRANSMITTAL

Transmitted herewith is a Petition for Withdrawal of Premature Final Rejection for this application.

FEE PAYMENT

Applicant believes no fee is due. However, authorization is hereby made to charge Deposit Account No. 033975 for any fees required by this paper.

Date:

23 October 2006

PILLSBURY WINTHROP SHAW PITTMAN LLP

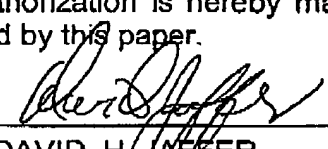
Intellectual Property Group

P. O. Box 10500

Alexandria, VA 22102

Telephone: (650) 233-4510

Facsimile: (703) 770-7901


DAVID H. JAFFER

Reg. No. 32243

Customer No. 27498

CERTIFICATION UNDER 37 C.F.R. §§ 1.8 and/or 1.10*

(When using Express Mail, the Express Mail label number is mandatory; Express Mail certification is optional.)

I hereby certify that, on the date shown below, this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.

Date: October 23, 2006
Signature

DIANA DEARING

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Attorney's Docket: 067173-0305340

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Confirmation Number: 8919
William Daniel Meisburger
Application No.: 10/646,525 Group Art Unit: 2873
Filed: August 21, 2003 Examiner: Thomas, Brandi N.
For: CONTINUOUS DIRECT-WRITE OPTICAL LITHOGRAPHY

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

PETITION FOR WITHDRAWAL OF PREMATURE FINAL REJECTION

Hon. Commissioner:

On August 21, 2006, the Office mailed a final rejection in this application. On October 5, 2006, Applicant faxed a request, addressed to both the Examiner and the Primary Examiner, for a telephone interview to discuss the premature final rejection of claims, among other issues. See attachment. Applicant's attorney also left a voicemail message for the Examiner, who has not yet responded. The Examiner's supervisor did respond to a voicemail message. The Primary Examiner then contacted Applicant's attorney on October 20, 2006, but indicated that the final rejection is in the discretion of the Examiner and could not be withdrawn by the Primary Examiner. The Primary Examiner indicated she would ask the Examiner to contact Applicant's attorney today, but no contact has been received today. Therefore, Applicant hereby petitions for withdrawal of the premature final rejection under 37 CFR §1.181(a)(1) and MPEP § 1002.02(c)(3)(a).

Appl. No. 10/646,525

Petition dated October 23, 2006

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Premature Final Rejection.

The Examiner's final rejection of unamended independent claims 23 and 82, and of claims 24-35, 37-42, 80-81, 83-95 which depend on claims 23 and 82, is based on new grounds and thus is improper under Patent Office procedure. See MPEP §706.07(a). The Examiner has introduced new grounds for rejecting independent claims 23 and 82, and the various dependent claims. The newly cited art is U.S. Patent No. 6,229,649 to Woods et al., which the Examiner cited for the first time in the latest Office Action. These claims are now rejected as unpatentable over Jain et al. in view of Woods et al. The Examiner clearly identifies the rejection to be on new grounds. See paragraph 9 of the Office Action dated August 21, 2006. A final rejection should not have been issued because these claims were not amended in Applicant's response to the previous Office Action, and Applicant did not submit the Woods et al. reference in an Information Disclosure Statement. See MPEP §706.07(a).

Oct-23-06

03:44pm From-PILLSBURY WINTHROP SHAW PITTMAN 1WB

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Appl. No. 10/646,525

Petition dated October 23, 2006

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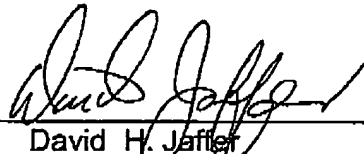
Summary

For the foregoing reasons, it is submitted that the Examiner erred in issuing a final rejection, and reversal of that decision is respectfully requested.

Date: October 23, 2006

Respectfully submitted,

By



David H. Jaffer
Registration No. 32,243
Customer No.: 27498

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CERTIFICATE OF FACSIMILE TRANSMISSION

I, Diana Dearing, hereby certify that this Petition for Withdrawal of Premature Final Rejection is being sent via facsimile transmission to fax number (571) 273-8300 to MAIL STOP AF, Commissioner for Patents on October 23, 2006.


Diana Dearing